

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:08CR387
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
HARRY HOWARD,	)	
	)	
Defendant.	)	

This matter is before the court on the motion to continue by defendant Harry Howard (Howard) (Filing No. 18). Howard seeks a continuance of approximately thirty (30) days of the trial of this matter which is scheduled for February 9, 2009. Upon consideration, the motion will be granted.

No further continuances will be granted absent a showing by affidavit that a denial of a requested continuance would amount to a manifest injustice.

**IT IS ORDERED:**

1. Howard's motion to continue trial (Filing No. 18) is granted.
2. Trial of this matter is re-scheduled for **March 9, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 5, 2009 and March 9, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 5th day of February, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge